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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/713,041

11/16/2000

Shinya Yajima

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3122

2292

7590

06/17/2004

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FALLS CHURCH, VA 22040-0747

EXAMINER

YODER III, CHRISS S

ART UNIT

PAPER NUMBER

2612

5

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,041

Applicant(s)

YAJIMA, SHINYA

Examiner

Chriss S. Yoder, III

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/16/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 and 4.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Interview Summary

Application No.

09/713,041

Applicant(s)

YAJIMA, SHINYA

Examiner

Chriss S. Yoder, III

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All participants (applicant, applicant's representative, PTO personnel):

(1) Chriss S. Yoder, III.

(3) Michael Mutter.

(2) _____

(4) _____

Date of Interview: 25 May 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____

Claim(s) discussed: 1-16.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant was given option of restriction/election over the phone, applicant elected claims 1-13 without traverse.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


NGOC-YEN VU
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claim(s) 1-13, drawn to the calculation of the amount of vibration and the amount of correction using a vibration isolator that prevents image blur using electrical means to compensate for vibration, classified in class 348, subclass 208.7.

II. Claim(s) 14-16, drawn to a vibration isolator that prevents image blur using mechanical means to compensate for vibration, classified in class 348, subclass 373.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a mechanical correction means, which does not include the particular features listed in the invention I. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Michael Mutter on May 25, 2004 a provisional election was made without traverse to prosecute the invention of the calculation of the amount of vibration and the amount of correction using a vibration isolator that prevents image blur using electrical means to compensate for vibration, claims 1-13. Affirmation of this election must be made by applicant in replying to this

Office action. Claims 14-16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Vibration isolating device for correcting image blur in a camera.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 6-7, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Imafuji et al. (US Patent # 5,617,177).

6. In regard to claim 1, note Imafuji discloses the use of a vibration isolator that prevents an image blur due to a vibration of a camera by moving a correcting optical system (column 2, lines 23-41; and figure 1: 1-7), the vibration isolator comprising a vibration speed determining device that determines a speed of the vibration (column 2, lines 24-25), a differentiating device that differentiates the speed determined by the vibration speed determining device (column 2, lines 28-30), an integrating device that integrates the speed determined by the vibration speed determining device (column 2, lines 31-34), a correcting device that corrects the integrated value calculated by the

integrating device to substantially zero when the differentiated value calculated by the differentiating device is substantially zero (column 3, line 65 –column 4, line 5), and a controlling device that controls a position of the correcting optical system according to the integrated value (column 2, lines 37-40).

7. In regard to claim 6, note Imafuji discloses the use of a vibration isolator that prevents an image blur by moving a vibration isolating device according to a vibration of an apparatus determined by a vibration determining device (column 2, lines 23-41; and figure 1: 1-7), the vibration isolator comprising a switching device that turns on and off vibration isolation (column 4, line 65 – column 5, line 5; and figure 5: S22, when the shutter button is pressed half way, it is considered to be turning the vibration control on), and a controlling device that keeps the vibration isolating device at an origin until a position of the vibration isolating device for preventing the image blur is the origin after the switching device turns on the vibration isolation and moves the vibration isolating device according to the vibration after the position of the vibration isolating device for preventing the image blur is the origin (column 5, lines 15-16; and figure 5: S24, the vibration isolator is set to an initial position when the isolator is turned on and move the isolating device according to the vibration after the position of the vibration isolating device for preventing the image blur is the origin).

8. In regard to claim 7, note Imafuji discloses that the controlling device stops the vibration isolating device at a position when the switching device turns off the vibration isolation (column 5, line 65 –column 6 line 20; and figure 5: S30-S34, when the shutter button is released it is considered to be turning off the isolating device).

9. In regard to claim 9, note Imafuji discloses that the controlling device does not calculate a driving signal for driving the vibration isolating device when the vibration isolation is off (column 6, lines 1-20; the shake detection sensor stops detection and the lens is held in place) and starts calculating the driving signal after the switching device turns on the vibration isolation (column 5, lines 1-21; the shake detection sensor starts calculating when the shutter button is pressed half way).

10. Claims 2-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Imafuji et al. (US Patent # 5,585,875).

11. In regard to claim 2, note Imafuji discloses the use of a vibration isolator that prevents an image blur by moving a vibration isolating device according to a vibration of an apparatus determined by a vibration determining device (column 13, lines 20-49; and figure 13: 20-27), the vibration isolator comprising a switching device that turns on and off vibration isolation (column 16, lines 10-15; and figure 18: S601-610, when the shutter button is pressed half way, it is considered to be turning the vibration control on), a controlling device that keeps the vibration isolating device at a position until a predetermined time passes after the switching device turns on the vibration isolation and moves the vibration isolating device according to the vibration after the predetermined time passes (column 14, lines 5-10; column 14, lines 40-45; and figure 15A: a, b, and td; the isolating device is held at the initial position until time td passes).

12. In regard to claim 3, note Imafuji discloses that the controlling device stops the vibration isolating device at a position when the switching device turns off the vibration

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isolation (column 16, lines 34-42; figure 18: S609-S612, when the shutter button is released, the vibration isolating device is turned off and held at an initial position).

13. In regard to claim 5, note Imafuji discloses that the controlling device does not calculate a driving signal for driving the vibration isolating device when the vibration isolation is off (column 16, lines 35-42; figure 18: S609-S612, the shake detection sensor stops detection and the lens is held in place) and starts calculating the driving signal after the switching device turns on the vibration isolation (column 16, lines 10-20; figure 18: S601-S605, the shake detection sensor starts calculating when the shutter button is pressed half way).

14. Claims 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyamoto et al (US Patent # 6,332,060).

15. In regard to claim 10, note Miyamoto discloses the use of a vibration isolator that prevents an image blur by moving a vibration isolating device according to a vibration of an apparatus determined by a vibration determining device (column 14, lines 40-56; figure 3: 60X-60Y; and figure 2: 1), the vibration isolator comprising a switching device that turns on and off vibration isolation (column 4, line 65 – column 5, line 5; and figure 5: S22, when the shutter button is pressed half way, it is considered to be turning the vibration control on), a controlling device that starts moving the vibration isolating device with a driving amount that is smaller than that for preventing the image blur when the switching device turns on the vibration isolation and drives the vibration isolating device while gradually increasing the driving amount to that for preventing the image blur (column 26, lines 24-27).

16. In regard to claim 11, note Miyamoto discloses that the controlling device stops the vibration isolating device at a position when the switching device turns off the vibration isolation (column 26, line 35-41; column 32, lines 26-31; and figure 20: S1015-S1019, when the shutter button is released it is considered to be turning off the isolating device).

17. In regard to claim 12, note Miyamoto discloses the use of a controlling device that gradually decreases a driving amount of the vibration isolating device to stop the vibration isolating device at a position after the switching device turns off the vibration isolation (column 26, lines 35-41; column 32, lines 26-31; and figure 20: S1015-S1019; when the shutter button is released, S1015, it is considered to be turning off the vibration isolating device).

18. In regard to claim 13, note Miyamoto discloses that the controlling device does not calculate a driving signal for driving the vibration isolating device when the vibration isolation is off (column 32, lines 27-31; the shake detection sensor stops detection and the lens is held in place) and starts calculating the driving signal after the switching device turns on the vibration isolation (column 31, lines 24-27; the shake detection sensor starts calculating when the shutter button is pressed half way).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imafuji et al. (US Patent # 5,585,875) in view of Miyamoto et al (US Patent # 6,332,060).

20. In regard to claim 4, note Imafuji discloses the use of a vibration isolator that prevents an image blur by moving a vibration isolating device as described in claim 2.

Therefore, it can be seen that the Imafuji device lacks a controlling device that gradually decreases a driving amount of the vibration isolating device to stop the vibration isolating device at a position after the switching device turns off the vibration isolation.

Miyamoto discloses the use of a controlling device that gradually decreases a driving amount of the vibration isolating device to stop the vibration isolating device at a position after the switching device turns off the vibration isolation (column 26, lines 35-41; column 32, lines 26-31; and figure 20: S1015-S1019; when the shutter button is released, S1015, it is considered to be turning off the vibration isolating device).

Miyamoto teaches the use of gradually decreasing a driving amount in order to correctly center the lens (column 26, lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Imafuji device to include the use of gradually decreasing a driving amount of the vibration isolating device to stop the isolating device at a position after the isolating device is turned off so as to correctly center the lens.

21. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imafuji et al. (US Patent # 5,617,177) in view of Miyamoto et al (US Patent # 6,332,060).

22. In regard to claim 8, note Imafuji discloses the use of a vibration isolator that prevents an image blur by moving a vibration isolating device as described in claim 6.

Therefore, it can be seen that the Imafuji device lacks a controlling device that gradually

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decreases a driving amount of the vibration isolating device to stop the vibration isolating device at a position after the switching device turns off the vibration isolation.

Miyamoto discloses the use of a controlling device that gradually decreases a driving amount of the vibration isolating device to stop the vibration isolating device at a position after the switching device turns off the vibration isolation (column 26, lines 35-41; column 32, lines 26-31; and figure 20: S1015-S1019; when the shutter button is released, S1015, it is considered to be turning off the vibration isolating device).

Miyamoto teaches the use of gradually decreasing a driving amount in order to correctly center the lens (column 26, lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Imafuji device to include the use of gradually decreasing a driving amount of the vibration isolating device to stop the isolating device at a position after the isolating device is turned off so as to correctly center the lens.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006630950: note the use of a camera with a vibration isolating device.

US005634145: note the use of a camera with a vibration isolating device.

US005890018: note the use of a camera with a vibration isolating device.

US005831671: note the use of a camera with a vibration isolating device.

US006148150: note the use of a camera with a vibration isolating device.

US005717611: note the use of a camera with a vibration isolating device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
June 5, 2004


NGOC-YEN VU
PRIMARY EXAMINER